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10/053,791	01/22/2002	Katsuya Tsunogai	JP920000423US1	4276

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/053,791
Filing Date: January 22, 2002
Appellant(s): Tsunogai, Katsuya

Katsuya Tsunogai
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 4, 2008 appealing from the Office action mailed December 12, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Bhoj et al. US Patent No. 6,742,016

Roberts et al. US Patent No. 6,754,693

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 3-5 and 27-36 are rejected under 35 U.S.C 103(a) as being anticipated by Bhoj et al. US Patent No. 6,742,016 in view of Roberts et al. US Patent No. 6,754,693. Bhoj teaches an

invention as claimed including a method for accepting requests for a network application (see abstract). Roberts teaches a method for connecting to a server and fulfilling a request based on queue (see abstract).

As per claim 3, Bhoj teaches a server for accepting connection requests from client terminals through a network, comprising:

a connection-order setting unit [priority control module 61] which, upon receiving a first connection request from a first client terminal of said client terminals, sets an order of connection for said first client terminal (column 3, lines 58-67; column 4, lines 1-2); and

a connection managing unit [queuing module 62 and classification module 63]for allowing connection of said client terminals according to said order of connection, upon receiving a second connection request from a second client terminal of said client terminals after said first connection request (column 4, lines 16-26).

Bhoj does not teach wherein a program for automatically executing said second connection request again after a predetermined time interval is transmitted to said client terminal to which said order of connection has been. Roberts teaches wherein a program for automatically executing said second connection request again after a predetermined time interval [customer informed of the time can expect to be on-hold; column 1, lines 40-50; the calls are routed using various methods, such as...time of call, number of request presently in queue, among other items; column 5, lines 20-32;calls routed to a queue; column 15, lines 8-21, lines 61-67] is transmitted to said client terminal to which said order of connection has been set (column 10, lines 7-38; column 16, lines 40-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display and time of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue though the server (Roberts, column 15, lines 62-63).

As per claim 4, Bhoj teaches the accepting server according to claim 3. Bhoj does not teach wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal; and

said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server.

Roberts teaches the accepting server according to claim 3, wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal (client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10); and

said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue though the server (Roberts, column 15, lines 62-63).

As per claim 5, Bhoj teaches the accepting server according to claim 3, further comprising a connection-number monitoring unit [acceptor 53] for monitoring a number of connectable client terminals, wherein said connection managing unit allows connection of one of said client terminals which is highest in said order of connection, after acceptance of connection of a new client terminal has become possible, based on a number of connectable client terminals obtained by said connection-number monitoring unit (the parameter K is sued to determine the number of requests sent to the queue; column 6, lines 40-67; column 7, lines 1-67).

As per claim 27, Bhoj teaches the accepting server according to Claim 3, further comprising: a maximum-connection-number setting counter for setting a maximum number of connections that can be connected simultaneously to the server (the look ahead parameter, Kmax is set; column 6, lines 48-67);

a connection-number counter for indicating a number of client terminals connected to the server (counting the number of requests received by the server; column 6, lines 4-39); and

a connectable-number counter for indicating a number of client terminals that can be connected to the server (the acceptor keeping track of the number of requests received; column 7, lines 51-67).

As per claim 28, Bhoj teaches the accepting server according to Claim 27, wherein the connection managing unit is configured to allow connection of one of the client terminals which is highest in the order of connection, after acceptance of connection of a new client terminal has become possible, based on the number of connectable client terminals indicated by the

connectable-number counter (if there is space available in the premium queue, requests from the basic queue are sent; column 8, line 24-50).

As per claim 29, Bhoj teaches the accepting server according to Claim 28, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1-47).

As per claim 30, Bhoj teaches the accepting server according to Claim 27, further comprising: a connection queue data holding section [priority queue 57]; and a connection-right acquired pool section [premium queue 57a].

As per claim 31, Bhoj teaches the accepting server according to Claim 30, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1-47); and

wherein the connection managing unit is configured to not allow the connection when the number of connectable client terminals indicated by the connectable-number counter is less than one (column 6, lines 1-47).

As per claim 32, Bhoj teaches the accepting server according to Claim 31, wherein the connection managing unit is configured to issue a reference number to the client terminal whose connection is not allowed, the reference number indicating connection priority to the client

terminal, and wherein the connection managing unit is configured to add the reference number to a connection queue in the connection queue data holding section (column 9, lines 1-49).

As per claim 33, Bhoj teaches the accepting server according to Claim 32. Bhoj does not teach wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal. Roberts teaches wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal. See column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue though the server (Roberts, column 15, lines 62-63).

As per claim 34, Bhoj teaches the accepting server according to claim 32, wherein the connection managing unit is configured to determine if there is a connection queue in the a connection queue data holding section, upon receipt of a notification to release a right of connection (priority queues 57and acceptor 53; column 9, lines 20-65)

As per claim 35, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to decrement the number in the connection-number counter by one, in the case there is no connection queue (column 8, lines 24-62)

As per claim 36, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to transfer a reference number, highest in priority order, to the connection-right acquired pool section, in the case there is a connection queue (column 8, lines 24-62).

(10) Response to Argument

The examiner summarized the various points raised by the Appellant and addresses replies individually.

As per Appellant's arguments filed on February 4, 2008:

A: Applicant argues that "the sections of Roberts cited by the Examiner, as well as Roberts taken as a whole, do not disclose, interalia, *wherein a program for automatically executing said second connection request again after a predetermined time interval is transmitted to said client terminal to which said order of connection has been set,*" as claimed in the last limitation of claim 3. "On the contrary, none of the applets downloadable by the server 20 in Roberts to a user computer 12 provides this functionality."

In response to Applicant's argument A, firstly, Examiner notes that the reference to Roberts is used in combination with the reference to Bhoj to reject the independent claim 3. Bhoj was used to reject the first two limitations of the claim and was combined with Roberts to

reject the above quoted limitation of the claim. Applicant neither argues the use of Bhoj nor the combination of Bhoj and Roberts; Applicant only argues that Roberts does not teach the above quoted limitation.

Further, this claimed limitation, "wherein a program for automatically executing said second connection request again after a predetermined time interval is transmitted to said client terminal to which said order of connection has been set," is interpreted by the Examiner to teach a functionality of transmitting a predetermined time interval to said client terminal to which said order of connection has been set. So, Examiner asserts that Roberts teaches the limitation [using the Figure numbers from Roberts]:

"a program [user applet 22] for automatically executing said second connection request again after a predetermined time interval [user applet 22 continues to poll the server 20 for the call request status 244] is transmitted to said client terminal [user computer 12] to which said order of connection [computer queue 222] has been set [computer queue information 224].

Roberts teaches if the call request status is not simultaneously activated by the service applet 30, then the user computer is displayed the on-hold information 216 (column 20, lines 56-58). The on-hold information will include, for example, the user computer's status in the computer queue... (column 20, lines 58-60). The calls are routed to the queues based on database information which includes information regarding the system such as how long does it usually take for each call to be answered…how many computers are logged on, how many second computers are in each queue, how many call requests are in each queue…(column 15, lines 21-35). This on-hold information, or computer queue information, is an approximate time provided for the user. A "time interval," as claimed is also an approximation of time. Hence, this portion

of Roberts reads on the approximate nature of the claim language of "time interval." Roberts provides the indicia needed to show that a predetermined time interval is transmitted to the client.

The "client computer" of the limitation is taught by the user computer of Roberts. The user computer of Roberts is the same computer which requests a connection and receives the status information, and subsequently polls the server for its status. This user computer reads on the limitation of "client terminal to which said order of connection has been set." The subsequent polling of a server to check status in the queue reads on the limitation of "executing said second connection request again." When the user computer 12 polls the server the applet 22 continues to poll the server 20 for the call request status 244 (column 21, lines 60-67), it is executing the connection request again.

In light of the interpretation by the examiner of the limitation, Roberts clearly teaches wherein "a program for automatically executing said second connection request again after a predetermined time interval is transmitted to said client terminal to which said order of connection has been set."

Further, Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant merely states that the reference Roberts does not teach the claimed limitation. Applicant does not clearly distinguish the claimed limitation from the reference in the arguments currently presented or previously on the record.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Uzma Alam/

Examiner, Art Unit 2157

April 8, 2008

Conferees:

/Yves Dalencourt/

Primary Examiner, Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157